

claim the subject matter which Applicants regard as the invention. The rejection is respectfully traversed.

In particular, the Patent Office alleged that the phrase "a plurality of concave portions being disposed along the left and right edges of the label with equal interval in a vertical direction, so as to located the edge of the label in said concave portions" in claim 5 is unclear.

By this Amendment, claim 5 is amended to recite that "the body is provided with a plurality of concave portions disposed along the left and right edges of the label with equal intervals in a vertical direction." Applicants submit that the amendment to claim 5 more clearly identifies that the concave portions are located in the container.

The Patent Office also rejected claim 6 for allegedly being unclear in the phrase "a thick portion is formed on an inner surface of the body."

By this Amendment, claim 6 is amended to recite that "a thick portion is formed on an inner surface of the body adjacent to and under an edge of the label" as shown in Figures 18a and 18b. Applicants submit that claim 6 clearly recites that the thick portion is formed on an inner surface of the body adjacent to and under an edge of the label and wherein the thick portion is not formed under the entire label.

In view of the foregoing amendments, Applicants submit that claims 5 and 6 fully comply with the requirements of 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under 35 U.S.C. §102(b)

Claim 6 was rejected by the Patent Office under 35 U.S.C. §102(b) for allegedly being anticipated by U.S. Patent No. 3,207,822 to Makowski (hereinafter "Makowski"). The rejection is respectfully traversed.

Makowski fails to anticipate the present invention because Makowski fails to describe, either explicitly or implicitly, each and every aspect of the invention recited in claim 6 of the present invention.

Makowski, in Figure 7, shows a bottle structure wherein a transfer, i.e., label, "is on a raised portion of the surface of the mold so that the indicia will appear in a recessed surface portion of a completed bottle." (See column 2, lines 63-67.) (Emphasis added.)

Makowski describes that the area of a bottle whereupon a label is attached may be "recessed," i.e., that the area of the bottle is an indentation or small hollow. In describing the recessed area, Makowski fails to teach that the bottle has "a thick portion formed on an inner surface of the body adjacent to and under the edge of the label" as recited in claim 6 of the present application. Further, Figure 7 of Makowski fails to show any such thick portion as claimed in the present invention.

Nowhere does Makowski describe that the inner surface of the bottle has a thick portion adjacent to and underneath an edge of a label. Instead, Makowski merely shows a figure and provides a description showing that the wall of the bottle is indented.

Thus, for the foregoing reasons, Applicants submit that Makowski fails to anticipate the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C. §103(a)

Claims 1-5 were rejected by the Patent Office under 35 U.S.C. §103(a) for allegedly being obvious over U.S. Patent No. 5,172,936 to Sullivan et al. (hereinafter "Sullivan") in view of U.S. Patent No. 4,387,816 to Weckman (hereinafter "Weckman"). The rejection is respectfully traversed.

Sullivan fails to teach or suggest any of claims 1-5 of the present application. As acknowledged by the Patent Office, Sullivan fails to teach or suggest a vertical rib on the left

and right edges of the label (claim 1), lateral ribs on the top and bottom and vertical ribs on the right and left of the label (claim 2), the label positioning in the ribs (claim 3), the left and right edges of being cut into a corrugate shape (claim 4) and plurality of concave portions being disposed along the left and right edges of the label with equal interval in a vertical direction to locate the edge of the label in said concave portion (claim 5).

Weckman fails to remedy the deficiencies of Sullivan. Weckman teaches a freestanding unitary container formed of an organic thermoplastic material having "label panel areas including [sic] a centrally located collapsible label area, a peripherally located upstanding rim portion and a flexible hinge portion connecting the rim portion to the label area." (See column 2, lines 43-56.)

Applicants submit that Weckman only teaches using a hinge portion (allegedly analogous to the presently recited rib(s)), in conjunction with an upstanding rim portion. The present invention does not require nor claim the presence of an upstanding rim portion, or the like, connected to the claimed rib(s) in order to reduce the applied stress upon an area wherein an edge of an in-molded label is attached to a synthetic resin container.

Further, Applicants submit that Weckman fails to teach or suggest positioning the edges of an in-molded label in the ribs and/or cutting the left and right edges of the in-molded label into a corrugate shape as recited in claims 3 and 4, respectively, of the present application.

Weckman also fails to teach or suggest providing a plurality of concave portions disposed along left and right edges of an in-molded label with equal intervals in a vertical direction, so as to locate the edges of the label in the concave portions, as recited in claim 5 of the present application.

Further, Applicants submit that nothing in Weckman and Sullivan would have motivated one of ordinary skill in the art to have combined these references to obtain the

present invention. And even if one were to combine these references, one still would not have obtained the present invention.

For the foregoing reasons, Applicants submit that Sullivan and Weckman, whether taken singly or in combination, fail to teach or suggest the present invention.


Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


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JAO:CWB/rxg

Attachment:
Appendix

Date: October 17, 2002

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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APPENDIX

Changes to Claims:

The following are marked-up versions of the amended claims:

1. ~~(Amended)~~ A synthetic resin container which body (3) is attached with an in-molded label (L), ~~characterized in that~~ wherein the body (3) is provided with a vertical rib (14, 43, 52) along left and right edges of the label.
2. ~~(Amended)~~ A synthetic resin container which body (3a) is attached with an in-molded label (La), ~~characterized in that~~ wherein the body (3a) is provided with lateral ribs (43) at upper and lower portions, and vertical ribs (41) at left and right portions of the body, to surround the label.
3. ~~(Amended)~~ A synthetic resin container which body (3b) is attached with an in-molded label (Lb), ~~characterized in that~~ wherein the body (3b) is provided with at least a lateral rib (51) and a vertical rib (52) along edges of the label (Lb), and the edges of the label is are positioned in the ribs.
4. ~~(Amended)~~ A label (Le) attached to a wall of a synthetic resin container by an in-mold, ~~characterized in that~~ wherein at least left and right edges (60) of the label (Le) are cut into a corrugate shape.
5. ~~(Amended)~~ A synthetic resin container which body (3e) is attached with an in-molded label (Le) ~~which~~ having edges (60) ~~are~~ cut into ~~the~~ a corrugate shape, ~~characterized in that~~ wherein the body is provided with a plurality of concave portions (61) ~~are~~ disposed along ~~the~~ left and right edges of the label (Le) with equal ~~interval~~ intervals in a vertical direction, so as to locate the ~~edge~~ edges (60) of the label in said concave portions (61).
6. ~~(Amended)~~ A synthetic resin container which body is attached with an in-molded label (Ld), ~~characterized in that~~ wherein a thick portion (72) is formed on an inner

surface of the body (3d) ~~where the~~ adjacent to and under an edge (70) of the label is contacted
~~with~~ and wherein the thick portion is not formed under the entire label.